

## Title 33

### ENVIRONMENTAL QUALITY

#### Part I. Office of the Secretary

##### Subpart 1. Departmental Administrative Procedures

#### Chapter 21. Electronic Submittals and Electronic Signatures

##### §2101. Purpose

A. Pursuant to R.S. 30:2043, electronic documents will be accepted by the department in satisfaction of the requirements of department regulations, notwithstanding any other department regulation to the contrary.

B. This Chapter provides for the submittal of electronic documents and electronic signatures to the department as original documents to meet requirements set forth in department regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2043 and 9:2601.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 34:\*\*

##### §2103. Definitions

A. For all purposes of this Chapter, the terms defined in this Section shall have the following meanings, unless the context of use clearly indicates otherwise.

*Department*—the Louisiana Department of Environmental Quality.

*Electronic Document*—any document in electronic, magnetic, optical, or other format, except an audio recording, used to create, transfer, approve, or store the document for subsequent retrieval. This may include data, text, codes, computer programs, software, or databases.

*Electronic Document Receiving System*—a set of apparatus, procedures, software, and/or records used to receive electronic documents.

*Electronic Signature*—any information in digital form that is included in or logically associated with an electronic document for the purpose of expressing the same meaning and intention as would a handwritten signature if affixed to an equivalent paper document with the same reference to the same content. An electronic document bears or has on it an *electronic signature* when it includes or has logically associated with it such information.

*Subscriber*—a person who has submitted a subscriber agreement to the department and has received authorization from the department to submit electronic documents using one of the department's electronic document receiving systems.

*Subscriber Agreement*—a document drafted by the department and signed with a handwritten wet ink signature by a *person* as defined in R.S. 30:2004, or with respect to an electronic signature device that the person will use to create his or her electronic signature, and whereon the person acknowledges the obligations connected with preventing compromise of the electronic signature device.

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HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 34:\*\*

**§2105. Procedures**

A. Any person may submit an electronic document to the department, in lieu of a paper document, provided that:

1. the person has executed the proper subscriber agreement in accordance with department instructions;
2. the secretary has first published a notice on the department's website announcing that the department is prepared to receive, in electronic form, documents submitted to satisfy the requirements of one or more specific programs;
3. the person transmits the electronic document to an electronic document receiving system designated by the department for the receipt of such submissions, complying with the system's requirements for submission; and
4. the electronic document bears valid electronic signatures at all locations where the signatory would be required to sign the paper document for which the electronic document substitutes.

B. Each subscriber agreement shall include one or more handwritten wet ink signatures, receive approval from the department, and be retained on file with the department while the subscriber agreement is active and for an additional five years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2043 and 9:2601.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 34:\*\*

**§2107. Enforcement**

A. A person who submits an electronic document and fails to comply with the provisions of this Chapter is subject to penalties and remedies for failure to comply with department reporting requirements.

B. When an electronic document bears an electronic signature, the electronic signature legally binds, obligates, and makes the signatory responsible, to the same extent as the signatory's handwritten signature would on a paper document.

C. Nothing in this Chapter limits the use of an electronic document or information derived from electronic documents as evidence in enforcement or other proceedings.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2043 and 9:2601.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 34:\*\*